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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,771	03/24/1999	MASAHIRO SHIOJI	990306	8875

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EXAMINER
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TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/274,771	SHIOJI, MASAHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nhan T. Tran	2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/23/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 3-7, 9, 11-14 have been considered but are moot in view of the new ground of rejection.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 6/23/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-7, 9, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al (US 5,576,759) in view of Kuba et al (US 5,806,072).

Regarding claim 7, Kawamura discloses a digital camera (Fig. 2), having a normal image pickup mode (in response to switch 11 without selecting switch 12) in which images of an object

Art Unit: 2615

is picked up one by one, and a continuous image pickup mode (in response to switch 12) in which images of an object are picked up continuously (see col. 5, lines 9-30), comprising:

display unit displaying an image (col. 2, lines 17-29 and col. 6, lines 31-43);

memory unit (3, 4, 7) storing an image (Fig. 2);

Kawamura also discloses that the display unit does not simultaneously display both reduced images obtained from the normal pickup mode and the continuous image pickup mode on one screen (see Figs. 7B & C; col. 8, lines 43-60, wherein reduced images from continuous pickup mode is displayed as index C in the whole display screen separately from display of index C of normal pickup images).

Kawamura also discloses that the control unit 104 and classification unit 103 classify images into groups, i.e., a continuous pickup image group, a single pickup image group, etc. and store both reduced images and their corresponding full-size images onto a recording medium 102/memory card 7. See col. 3, line 62 – col. 5, line 8. Kawamura further discloses that the continuous picked up images are classified into groups session by session (col. 6, lines 22-31).

However, Kawamura does not **explicitly** describe that directories are formed and that first and second writing units respectively write single picked up images into one directory and a group of continuous picked up images into another directory.

As taught by Kuba, images picked up in a single pickup mode is classified and stored in one directory (i.e., root directory) while images picked in a continuous mode is classified and stored in another directory (i.e., subdirectory) of a memory card. See Figs. 5, 25, 69 & 88; col. 21, lines 46-60. Storing image data in such a hierarchical structure permits easier data management and retrieval (col. 29, lines 10-15).

Therefore, it would have been obvious to one of ordinary skill in the art to include the teaching of Kuba in Kawamura to implement a storing unit forming directories, first writing unit and second writing unit to classify and write images picked up in a single mode into one directory and images in a continuous mode into another directory so that image data management and retrieval is easily performed during reproduction process.

Regarding claim 1, see the analysis of claim 7. Furthermore in the combination of Kawamura and Kuba, Kuba discloses:

first selecting unit (11b, 11c) selecting, in the normal picked up image reproduction mode, a desired image among images stored in the memory unit (see Figs. 3-6; col. 16, lines 9-15 for selection of frame, such as a single image frame of file A, B or C in the root directory);

second selecting unit (11d, 11e) selecting, in the continuously picked up image reproduction mode, a desired image group (i.e., the image group 32-35 as shown in Figs. 25(A) & (B)) among image groups stored in the memory unit, and a desired image (i.e., 33 or 34) among the plurality of images belonging to the image group (see Figs. 69 & 88; col. 15, lines 18-23 for selection of a directory, such as subdirectory 01 where stored continuous picked up images as analyzed above are selected for reproducing);

first reading unit for taking out the images selected by the first and second selecting unit from the memory unit and applying the image to the image display unit (see col. 21, line 61 – col. 22, line 14).

As shown in Kuba Fig. 3 and col. 15, lines 18-23, the frame selection and directory selection (buttons 11) is used for selecting an image to be played (enlarged) on the display unit

Art Unit: 2615

from a plurality of thumbnail images being displayed that are from in either root directory or subdirectory. Therefore, the combination of Kawamura and Kuba also meets the limitations “third selecting unit selecting, in the continuously picked up image reproduction mode, a predetermined number of reduced images among reduced images of predetermined images in respective image groups stored in the memory unit; and second reading unit for reading the prescribed number of reduced images selected by the third selecting unit from the memory unit, forming an image of one image plane from the predetermined reduced images and applying the image to the display unit, wherein the second selecting unit selects the image group by selecting a desired reduced image from the predetermined number of reduced images displayed on the display unit.”

Kawamura also discloses that the full size image and its reduced image that are temporarily stored in buffer 3 and 4, respectively, are compressed and written into the memory card 7 (see col. 4, line 55 - col. 5, line 7). Therefore, Kawamura meets the claimed limitation of the second writing unit forms a reduced image of each image and stores the reduced image together with each image to the memory unit. *It should be noted that both full size and its reduced image are stored together in the memory card but it is not necessarily required to be stored as a single image file.*

Regarding claim 3, Kuba also discloses the digital camera that has a continuous reproduction mode (i.e., continuous play) in which a plurality of images belonging to a selected image group are continuously reproduced (see Fig. 65; col. 32, lines 25-28), and

Art Unit: 2615

third reading unit taking, in the continuous reproduction mode, a plurality of images belonging to the image group selected by the second selecting unit and continuously applying the images to the image display unit (see Fig. 68; col. 34, lines 11-32).

Regarding claim 4, the digital camera in Kuba also has a moving mode for moving an image (Fig. 32(A)-(C)), and the camera comprises:

moving unit for physically rearranging a plurality of predetermined data records within the storage medium (as shown in Fig. 32). The data rearrangement shown by Fig. 32 clearly presents extracting an image selected by the second selecting unit from the image group to which the image belongs, and storing the extracted image to the storing unit of the same directory as with an image pickup in the normal pickup mode (see col. 24, lines 22-37).

Regarding claim 5, Kuba further discloses that the digital camera has a copy mode for copying an image and comprises:

copying unit copying image data files within the storage medium (as shown in Fig. 60 & 130). This indicates copying unit for forming a copy image of an image selected by the second selecting unit and storing the copied image in the memory unit of the same directory as for an image picked up in the normal image pickup mode (see col. 31, lines 14-29 & col. 47, line 27).

Regarding claim 6, the digital camera of Kuba also has a deletion mode (DEL) for deleting stored image data (see Fig. 36), comprising:

Art Unit: 2615

first deletion unit for deleting the image selected by the first and second selecting unit among images stored in the memory unit (col. 26, lines 28-29);

inherent second deletion unit for deleting an image group selected by the second selecting unit among image groups stored in the memory unit (col. 26, lines 28-29). Since the image groups are constructed with the hierarchical directory and tree display method, it is inherent for the image group to be deleted due to such directory structure.

Regarding claim 9, see the analysis of claim 1.

Regarding claims 11-14, see the analyses of claims 3-6, respectively.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



Art Unit: 2615

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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